

7.8.10 Procedure

Any person desiring to create a minor subdivision shall submit to the Commission for approval an application on forms provided by the Division, and a record plat in conformance with the requirements of Section 7.8.11 and Section 7.8.20 prepared by a professional land surveyor. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. No application shall be accepted unless it is complete and accompanied by the appropriate review fee.

7.8.11 Agency Review

The subdivider shall submit to the following agencies copies of the minor subdivision plat for approval. Approval shall be in the form of a stamp from the appropriate agency on the back of the plat. Agency review will include the following:

- A. Appropriate agency responsible for transportation review for the subject property.
- B. Metropolitan Sewer District. (All property, regardless of location.)
- C. Jefferson County Environmental Health and Protection. (Property served by on-site sewage disposal systems.) If lots are served by on-site sewage disposal systems (existing or proposed) they shall meet the requirements of the Louisville and Jefferson County Board of Health.
- D. The fire chief of the district having jurisdiction over the property where any of the following apply:
 - 1. A new lot is being created unless:
 - a. The plat is a “buy-down” minor plat to record and/or develop a section of an approved major subdivision preliminary plan; or,
 - b. The lots involved are located in any major subdivision approved after October 8, 1991 (effective date of Jefferson County Kentucky Code of Ordinances, Section 150.065 - 150.073)
 - 2. A new lot is being created on private access easement and the new lot has no access from a publicly dedicated roadway.
 - 3. The minor plat crosses the Jefferson County Line.
 - 4. The property is located within a fire protection district other than the Louisville Division of Fire District or its successor.
- E. For minor subdivision plats that show roadways, structures or other encroachments into an easement, documentation of notice to the easement holder shall be submitted.

Approval by additional agencies may be required if special circumstances warrant.

7.8.12 Administrative Approval

Commission Approval may be given by the Director of the Division of Planning and Design Services or any authorized staff member of the division when all of the following criteria are met:

- A. The existing tract, parcel, or lot is subdivided into not more than five tracts, parcels or lots including any remainder proposed to be retained by the owner(s);
- B. The existing tract was lawful under these regulations at the time the property description was recorded;
- C. The existing tract(s) have not been the subject of a previously approved preliminary plan for a residential subdivision.
- D. The subdivision does not include the dedication of a new public street or change in an existing public street;
- E. All resulting lots have frontage on an existing public or private street with pavement at least 18 feet wide, except that roads serving no more than 5 lots of 5 acres or more may be 12 feet wide with 3 foot shoulders on each side; provided, however, that the provisions of this subparagraph shall not apply to roads that are Designated Road under the System Development Charges for Roadways Ordinance [insert LMCO citation];
- F. The subdivision can satisfy these regulations and other applicable ordinances and statutes without the construction of streets, water facilities, storm drainage facilities or other improvements except as necessary to directly serve the lots created and to provide a direct connection to an existing and approved system;
- G. The subdivision is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations, and no substandard tracts, parcels, or lots will be created;
- H. Adequate provision will be made for access to a public roadway. If a private street is to be used, provisions for maintenance, acceptable to staff and Commission legal counsel, will be placed on applicable recorded documents;
- I. Along all road frontages, the plat dedicates additional right-of-way of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public roadway as indicated on the County Thoroughfare Plan or the Official Map and as prescribed in **Chapter 6 Part 2** of the Land Development Code;

- J. Private roadways (e.g. access easement) and related facilities serving uses other than single family residential meet the requirements of Chapter 6 Part 2. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

Minor plats involving the following conditions are also eligible for approval by staff:

- K. Amending a record plat for minor corrections/shifting of lot lines; for revisions to lot lines where all signatures of adjoining property owners are obtained; for revisions to easements where consent letters from utility companies are received; or for revisions to building limit lines where a variance has been granted for the same encroachment.
- L. Creating a flag lot for obtaining utility service.
- M. Direct access to collector level road (where no new access is created).
- N. Creation of two or more lots on collector level road which share an access easement.
- O. Administrative waiver to dedicate right-of-way.
- P. Creating a lot in the area of an approved preliminary subdivision plan/district development plan for "buy-down" or a lot created in compliance with the approved plan.
- Q. Creating a lot with an existing accessory structure, prior to construction of a primary residential structure.
- R. Resulting lots have frontage on an existing public or private roadway that does not meet the minimum requirements for a public or private street as listed in Section 7.8.12.E, above. A plat creating such lots may be approved in accordance with the provisions of Section 7.8.85.
- S. The plat would create new proposed private roadway(s) (e.g., access easement(s)). If the proposed roadways have received necessary approvals, and related facilities meet the requirements of Chapter 6 Part 2 the plat may be approved in accordance with Section 7.8.90. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

NOTE:
County Clerk
requires that
a related
deed or other
recordable
instrument be
recorded with
minor plat.

7.8.13 Appeal Process

No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with good planning principles, subdivision, zoning or other regulation(s). The property owner may request any minor plat, for which staff approval has been refused, to be placed on the docket of the LD&T Committee.

7.8.14 Approval and Recording of Plat

If approved and all conditions are met, the Director or any authorized staff member shall complete and sign the Certificate of Approval located on the face of the plat. Approval shall be valid for one year. During this period the approved minor subdivision plat shall be recorded in the office of the Clerk, Jefferson County, Kentucky.


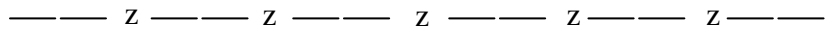

If the plat is not recorded within one year of the approval date, the applicant may request a one-year extension of the expiration date. Only one extension may be granted for the plat. The applicant shall submit a written request for extension. Division staff may grant requests for extension of the expiration date if they find that circumstances or hardship justify such requests. Extension requests beyond one year will be treated as new applications.

7.8.20 Plat - The plat submitted under Section 8.10 hereof shall conform to the following requirements:

- A. Format and Materials - The plat shall be on 8 1/2" x 14" paper or other media or size approved by Division staff at a scale large enough to be easily legible and containing a 1/2" border.
- B. Content - The plat shall include the following:
 - 1. A title block containing the title of the survey (e.g. Minor Subdivision Plat), the purpose of the plat, the name and address of the owner(s) of the property(ies) being subdivided, source of title, and the current tax block(s) and lot number(s) from the Property Valuation Administrator's maps and records, the location of the land surveyed, and the name and address of the land surveyor or the surveying firm who prepared the plat and the date of preparation.
 - 2. All dimensions expressed in feet and decimals of a foot, the area of each resulting lot, the zoning district and form district classification, a north arrow, designated meridian, and a written and graphic scale.
 - 3. The boundaries of the property being subdivided and of all resulting lots showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting lots shall bear a tract or lot enumeration.

4. The location, description, and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of all lots in the subdivision. - All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information. Witness monuments shall be set, on line if possible, whenever a monument cannot be set at the actual point of change in direction. Monuments set shall be of substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier as required by the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.
5. The names and widths of all adjoining streets and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. Ownership shall be identified by an owner's name and deed book and page number or an owner's name and a plat book and page number. Where the width of a street right-of-way varies, the distance to the centerline of the street right-of-way shall be shown along all portions abutting the site.
6. The names, location and width of any areas to be dedicated to public use and any easements to be dedicated for the installation of utilities, all fully dimensioned.
7. All existing structures and buildings shall be shown to scale in solid lines, fully dimensioned, with distances to the existing and proposed property lines and identified as to use. Existing structures which utilize on-site sewage disposal systems shall have those systems shown on the plat.
8. In addition to showing existing easements, the plat shall show all new sanitary sewer easements necessary to provide sanitary sewers to each lot shown on the plat. When a sanitary sewer connection does not exist for any lot shown on the plat, the proposed method of sewage disposal for each such lot shall be shown on the plat.
9. The plat shall show all new drainage easements necessary to provide drainage to each lot shown on the plat.
10. The location of the 100 year flood elevation shown as an easement designated by ... — ... — ... — ... —; or a note stating that the subject property is not located within a 100-year flood elevation.

11. The location and dimensions of landscape buffer areas and woodland protection areas, as designated on approved development plans and preliminary subdivision plans. Also, the location and dimensions of parkway buffer areas shall be shown, if applicable.
12. The location of solid blue line streams as designated on topographic maps Published by the U.S. Geologic Survey.
13. A key map showing the relative location (distance) of the proposed subdivision to the nearest existing arterial street intersection, nearest intersecting street created by record plat, or nearest commonly known street. The distance may be shown on the main body of the plat.
14. The following lines and symbols shall be used when drawing plats:

Heavy, solid	Enclosing all land included in the subdivision and any existing lot lines to remain
Medium, solid	Proposed lot lines of new tract or lot
Light, solid	Street or right-of-way lines and adjoining property line stubs
Light, dot-dash	 Center lines of streets or rights-of-way
Light, short-dash	Easement boundaries
Tie-lines (Light, long-dash)	 Showing proposed consolidation of lots or parcels to form new tracts and any existing lot lines to be removed
Line breaks	 Used to shorten straight lines on plat

15. All signatures shall be made in ink on all prints of the original plat being submitted.
16. The Planning Commission Certificate of Approval shall be on all pages of the plat which contain the drawing.

17. If a street shown on a minor plat is not a public street or a private street created by minor plat, then the applicant must supply the following documentation, or other documentation approved by the Commission's legal counsel:
 - a. A copy of the deed(s) or other recorded document(s) originally creating the street which gives access to a recognized street.
 - b. A statement by an attorney or title insurance company that a title examination reveals that such street has existed continuously since before June 17, 1954, for the benefit of applicant's property.
 - c. A statement by a surveyor or engineer that the street referred to in the deed(s) submitted and referred to in the legal opinion, is the same as the street shown on the proposed plat as providing frontage to the resulting lots and access to a public street.
- C. If the total extent of the land to be shown on the plat cannot be shown at an appropriate scale on a single 8 1/2" x 14" sheet and/or use of a residual statement is not possible, then the plat may be composed of two drawing sheets. If two drawing sheets are used, then each drawing sheet shall contain the appropriate match line(s) relating it to the other drawing sheet, each sheet shall contain a key or index map showing the entire site, each sheet shall bear the land surveyor's signature and seal, and each sheet shall contain a Certificate of Approval.

7.8.30 Certificates

- A. The plat shall include a certificate of ownership and dedication, a certificate of acknowledgment, a land surveyor's certificate, a certificate of approval, a zoning conformance certificate, certificates reserving easements for utilities if applicable, residual land certificates if applicable, and certificate of sewer extension if applicable. All certificates shall conform to Article 9 hereof unless otherwise required by the Commission. For large format minor plats, all certificates are required on the face of the plat.
- B. The land surveyor's signature and seal on the plat shall apply to all certificates and/or statements (except the Certificate of Approval) on the face of the plat.

7.8.40 Dedications

Unless waived in writing by the Director of Public Works and the Director of Planning and Design Services, the subdivider shall make all dedications as required under Chapter 6, Part 2, before the Commission may approve the minor plat.

7.8.50 Minimum Physical Improvements for Private Roadways

Minimum physical improvements for private roadways shall be as provided in **Chapter 6 Part 2**.

7.8.55 Measurement of Setback

All applicable form district regulations as pertaining to minimum setback requirements shall be interpreted as being measured from the nearest boundary of the private access easement.

7.8.60 Lots

All new lots created by any subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning and form district regulations and shall also conform to the following standards of design:

- A. Lot Constraints. Excessive depth in relation to width shall be avoided, with a proportion of five to one normally being considered as a desirable maximum for lot width of sixty feet or greater. Pointed or very irregularly shaped lots and flag lots (except where required for utility connection) shall be avoided where possible. Additional depth shall be required on lots which abut to railroads, have frontage on major streets, or adjoin other conflicting land uses, as specified in applicable form districts. In case of unusual soil conditions or physical factors, including but not limited to steep slopes, sinkholes, and/or the location of any portion of the property in the flood plain, which may impair the health and safety of the persons in the neighborhood in which a subdivision may be located, the Commission may prohibit or limit disturbance of environmentally constrained sites as defined in **Chapter 4 Part 6**. Division staff may approve lot shapes which vary from these general guidelines.
- B. Access.
 - 1. All lots for any uses or structures shall have access to and abut a public or private street for at least twenty-five feet. No private street shall be used to provide access to more than twenty lots.
 - 2. All private streets, frontage roads or ingress/egress easements providing access to residential, commercial, industrial, or other properties or buildings shall be named in accordance with **Chapter 6 Part 3**.
 - 3. Any minor plat submitted which creates, extends, widens, or otherwise modifies a private street or submitted for creation or modification of any lot(s) fronting on a private street, shall be accompanied by a properly prepared deed of restrictions for maintenance of the street which deed shall have been reviewed and approved by the Planning Commission's legal counsel (or authorized designee) prior to recording.
 - 4. Direct access to major arterial, minor arterials and collector level roadways from individual single-family lots is prohibited.

- C. Continuation of existing street. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

7.8.70 Easements

All easements shall be dedicated and shall conform to the following standards of design:

- A. Utility Easements - An easement for utilities, at least ten feet wide, may be required along any lot line or across lots whenever necessary to provide for extension of utility lines.
- B. Construction Easements - Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, construction easements on such adjoining property shall be required prior to recording of the plat.
- C. Sewer and Drainage Easement - Whenever necessary, sewer and drainage easements shall be provided, having adequate width for workmen with necessary equipment to install, maintain, or repair sewer and drainage facilities.

7.8.80 Large Format Minor Subdivision Plats

Minor subdivision plats exceeding 50 acres in area, consisting of more than two pages, or that contain an irregular configuration which staff determines cannot be adequately shown on legal-sized sheets, must be submitted as large format minor subdivision plats.

The large format minor subdivision plat shall be drawn on mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the Division's application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

All other sections of Part 8 shall apply to the large format minor subdivision plats.

7.8.85 Minor Subdivision Plats Requiring Road Improvements

Minor Plats creating lots with frontage on existing public or private streets that do not meet the pavement width standards specified in 7.8.12.E., above and therefore require improvements to the existing street(s) shall conform to the following standards:

- A. The minor subdivision plat shall be drawn on mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%. No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

All other sections of Part 8 shall apply .

- B. The plat shall show pavement depth details, sidewalk details if required, roadway cross-section, and other items necessary for compliance with Section 150.065 of the Louisville Metro Code of Ordinances and as required by Metro Public Works.
- C. Before Planning Commission approval may be shown on the record plat for recording, the subdivider shall deliver to the Director of Works the following items:

Sec. 150.065-073 of the Code of Ordinances requires roads to be 18 feet wide; roads serving no more than 5 lots 5 acres or greater may be 12 feet wide with 3 foot shoulders on each side.

1. Subdivider's Commitment - The subdivider shall be responsible for the installation, good repair and proper functioning of all improvements, including private roads, required by the approved minor plat and the installation of all reference monuments required by the record plat. Installation shall begin within a year after approval of the record plat, or within any one year extension granted by the Director of Works, and shall proceed in a manner which, in the judgment of the Director of Works, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the subdivider, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the subdivider shall continue until the Director of Works, acting on behalf of the Planning Commission, has granted a release pursuant to Section 7.2.60. The required installations shall be completed and properly functioning within five (5) years from the date of which construction plans are approved, unless an extension is requested by the subdivider and approved by the Director of Works in writing. If eighty percent (80%) of the lots do not have a completed structure on them, the subdivider may request that the Director of Works, also acting on behalf of MSD, waive the eighty percent (80%) requirement and notify the Planning Commission of such waiver. If the waiver is granted, the subdivider or design engineer, acting on behalf of the subdivider, shall initiate the bond release process by sending a written request for bond release inspection to Public Works, MSD, the Health Department, and the local fire protection district. At any time after the date of approval of the record plat, the subdivider shall abide by any time limits which the Director of Works may specify in writing. This obligation shall be evidenced in writing signed by the subdivider on forms provided by the Director of Works.
2. Security Required - There shall be filed with the Director of Works a bond instrument(s) approved by the Planning Commission and in the amounts determined by the Director of Works and MSD to insure fulfillment of the subdivider's commitment as set out above. Reduction of bond requirements shall not alter the subdivider's liability for fulfilling the obligations set out in Section 7.2.45 (1).

7.8.90 Minor Subdivision Plats Creating Private Streets

Minor Plats creating new private streets serving single family residential uses may be approved only after review and approval of a construction plan for the proposed private street. The construction plan shall conform to the following standards:

A. Construction Plan Requirement

No construction of improvements for a subdivision shall begin until the subdivider has obtained a work order from the Director of Works, and no work order shall be issued by the Director of Works except in accordance with an approved construction plan, either for the subdivision in its entirety or for sections thereof, in accordance with the following procedure:

1. Time Limit - The construction plan shall be approved by Metro Public Works prior to the approval of the minor plat.
2. Preparation - The subdivider shall have the construction plan prepared by an engineer and land surveyor in conformance with the requirements of Part 4 and 6 and any variances and waivers which have received prior Commission approval in accordance with Sections 7.1.40 and 7.1.90.
3. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:
 - a. Director of Works
 - b. Metropolitan Sewer District
 - c. The fire chief of the district having jurisdiction over property
 - d. Health Department
 - e. Utilities providing water, gas, electricity, and telephone service
 - f. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.
4. Action Taken on Plan – Within 90 days of submittal of the construction plan and following notification of approval of the plan by M.S.D., the Director of Works shall take action on behalf of the Commission and shall notify the subdivider in writing of his action. The action of the Director of Works shall take one of the following forms:

- a. Approval - The plan may be approved as submitted. A copy of the approved construction plan shall be submitted to the Planning Commission. Approval of the plan shall be valid for one year and extensions of approval may be granted by the Director of Works. Construction may not proceed without a work order issued by the Director of Works in accordance with the approved plan. The subdivider's request for a work order shall be submitted to the Works Department and MSD no less than five working days prior to the day on which construction is intended to begin.
- b. Disapproval - The plan may be disapproved and the Director of Works shall state, in writing if requested by the subdivider, his reasons for disapproval. The subdivider must then submit a new construction plan if he wishes to create the subdivision.